

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Anthony John Oliveri, Jr and Debra Lynn Oliveri

Debtor(s)

Citizens Bank, N.A., or its Successor or Assignee
Movant

vs.

Anthony John Oliveri, Jr and Debra Lynn Oliveri
Jack N Zaharopoulos

Respondent(s)

Chapter 13

Bankruptcy No. 5:23-bk-02286-MJC

ORDER

Upon consideration of the objection of Creditor to confirmation of the Chapter 13 plan, and after notice and hearing , it is hereby

ORDERED that the objection is sustained.

BY THE COURT,

**UNITED STATES BANKRUPTCY COURT
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OBJECTION TO PLAN

Citizens Bank, N.A. ("Creditor") is a secured creditor of the above Debtors and by its counsel hereby objects to the Debtors' Chapter 13 Plan ("Plan") as follows:

1. Creditor filed a Proof of Claim number 7 on October 27, 2023 with respect to its secured interest in real property of the Debtors or of the estate which is commonly known as and located at 105 Carverton Road, Trucksville, Pennsylvania 18708 ("Property"); such Proof of Claim indicates a total claim in the amount of \$104,194.06, and an arrearage claim in the amount of \$55,229.98.

2. Creditor objects as the Debtors' Plan indicates that no arrears are due towards Creditor's claim; accordingly, the Plan does not provide for the full value of Creditor's claim.

3. Creditor objects as the Plan violates the provisions of 11 U.S.C. §1325(a)(3) and 11 U.S.C. §1325(a)(5)(B)(ii) to the extent that it fails to provide Creditor with the full value of its claim.

WHEREFORE, for the foregoing reasons, Citizens Bank, N.A. requests that an Order be entered denying confirmation of the Chapter 13 Plan and for such other and further relief as is just.

/s/ Andrew M. Lubin

ANDREW M. LUBIN, ESQUIRE ID # 54297

MARISA MYERS COHEN, ESQUIRE ID #87830

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CERTIFICATION OF SERVICE OF OBJECTION TO PLAN

I, Andrew M. Lubin, attorney for Citizens Bank, N.A., hereby certify that I served a true and correct copy of the foregoing Objection to Plan, by United States Mail, first class, postage prepaid, and/or electronic means, upon the following:

Date Served: November 7, 2023

Anthony John Oliveri, Jr
105 Carverton Road
Trucksville, PA 18708

Debra Lynn Oliveri
105 Carverton Road
Trucksville, PA 18708

Michael A. Cibik
Cibik Law, P.C.
1500 Walnut Street
Suite 900
Philadelphia, PA 19102
Attorney for Debtors

United States Trustee
US Courthouse
1501 N. 6th St
Harrisburg, PA 17102

Jack N Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Trustee

/s/ Andrew M. Lubin

ANDREW M. LUBIN, ESQUIRE ID # 54297
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November 7, 2023

Jack N Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, Pennsylvania 17036
Via United States Mail

Debra Lynn Oliveri
105 Carverton Road
Trucksville, Pennsylvania 18708
Via United States Mail

Michael A. Cibik
Cibik Law, P.C.
1500 Walnut Street
Suite 900
Philadelphia, Pennsylvania 19102
Via United States Mail

RE: Anthony John Oliveri, Jr and Debra Lynn Oliveri
Chapter 13/Bankruptcy No. 5:23-bk-02286-MJC

Dear Parties:

Enclosed please find a copy of the Objection to Confirmation of Debtors' Chapter 13 Plan. The original has been sent for filing with the Court.

Should you have any questions, please feel free to contact me at the telephone number listed above.

Very truly yours,

Alice Ray, Paralegal for Andrew M. Lubin, Esquire
McCABE, WEISBERG & CONWAY, LLC

AML/array
Enclosure